

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rito
Vallecitos

**STATE OF NEW MEXICO'S MOTION FOR EXTENSION OF TIME TO PERFECT
SERVICE ON DEFENDANT MERCED DEL PUEBLO ABIQUIU IN
RIO DEL OSO & RITO VALLECITOS OF
SECTION 1 OF THE RIO CHAMA STREAM SYSTEM**

Plaintiff State of New Mexico (State) hereby requests the Court enter an order extending the deadline until September 9, 2016, in which to perfect service on Defendant Merced del Pueblo Abiquiu.

1. The Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System (Doc. 11119) (Procedural Order), ordered the State to serve claimants identified in the Hydrographic Survey within 60 days of entry of the Procedural Order. The Procedural Order was entered June 28, 2016, and therefore, service on claimants identified in the Hydrographic Survey must be accomplished by August 29, 2016.
2. On July 27, 2016, the State served Merced del Pueblo Abiquiu c/o Alfred Garcia. The service packet was returned with a notation that Mr. Garcia is deceased. *See* Exhibit 1 (attached

hereto and incorporated herein). Subsequent to receiving the returned service packet the undersigned spoke with the new representative and President of Merced del Pueblo Abiquiu, David Archuleta, and was informed that he would accept service at the same address in which Mr. Garcia was served. Mr. Archuleta provided the State with the Merced del Pueblo Abiquiu July 19, 2016 meeting minutes which show that he is the President for Merced del Pueblo Abiquiu. *See* Exhibit 2 (attached hereto and incorporated herein).

3. On August 18, 2016, the State mailed the service packet to Merced del Pueblo Abiquiu c/o David Archuleta.

4. The State has not yet received a USPS receipt showing proof of service to Merced del Pueblo Abiquiu c/o David Archuleta. On August 25, 2016, the undersigned emailed and called Mr. Archuleta to find out if he had received the State's service packet, but has not yet received a response.

5. The State anticipates it will be able to perfect service on Merced del Pueblo Abiquiu by September 9, 2016.

WHEREFORE, the State requests the Court enter an order extending the deadline to perfect service on Defendant Merced del Pueblo Abiquiu until September 9, 2016.

Respectfully submitted,

/s/ Leila J. Reilly

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Certificate of Service

I certify that on August 26, 2016, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Leila J. Reilly
Leila J. Reilly